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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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RAMON MORA,

Petitioner,

*versus*

WARDEN VASQUEZ,

Respondent.

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CIVIL ACTION NO. 1:13-CV-239

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Ramon Mora, an inmate confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the petition without prejudice.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections asserted by petitioner. After careful consideration, the court is of the opinion that the objections are without merit. Citing *Braddy v. Fox*, 476 F. App'x 51 (5<sup>th</sup> Cir. 2012), petitioner argues that he is allowed to challenge the conditions of his confinement in a habeas petition. In *Braddy*, the petitioner claimed that the government breached a term in a written plea agreement by housing him in close proximity to his co-defendants. The United States Court of Appeals for the Fifth Circuit remanded the case to the district court to determine whether the plea agreement was breached. In this case, unlike *Braddy*, petitioner does not assert that a provision in his plea agreement requires the Bureau of Prisons to

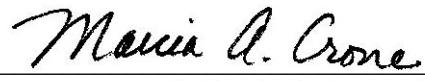
provide specific conditions of confinement. Rather, petitioner argues that his plea agreement implicitly guarantees him conditions of confinement required by contracts, statutes, regulations, ordinances, and rules governing the Bureau of Prisons. This argument lacks merit.

Whether the Bureau of Prisons is providing petitioner with the conditions of confinement to which he is entitled is not a matter for habeas review.

#### ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered dismissing the petition.

SIGNED at Beaumont, Texas, this 23rd day of October, 2013.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE